



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/011,852

12/04/2001

David M. Smart

1935-1-3

5227

996

7590

05/02/2005

GRAYBEAL, JACKSON, HALEY LLP  
155 - 108TH AVENUE NE  
SUITE 350  
BELLEVUE, WA 98004-5901

EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/011,852

Applicant(s)

SMART, DAVID M.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-19,30-32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☒ Claim(s) 1,4-10,30-32,34,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is the seventh office action for application serial number 10/011,852. This application contains claims 1-10, 12-19 and 30-37. Claims 11 and 20-29 were canceled.

2. Claim 1 recites the language "not attached to the arm" (line 4). However, this language does not describe or support in the specification.

Independent claim 30 is a method claim. However, "the steps of" after comprising is not recited. Examiner suggests that after "the method...comprising", -- the steps of -- should be inserted.

Claim 34, line 2, after extended position and before by, "i" should be deleted.

Claim 34, line 3 "a body of the support" should be changed to – *the* body of the support--.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30-32, 34 and 36-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites "an arm ring of an arm attachment assembly" (line 2) and "a leg ring of a leg attachment assembly" line 2. Accordingly, it is not clear as to which of "the arm ring" and "the leg ring" Applicant is referring to. It should be noted that each arm

Art Unit: 3632

attachment assembly has a moving arm ring and a fixed arm ring; and each leg attachment assembly has moving leg ring and a fixed leg ring as described by Applicant.

Claim 30 recites the limitation "the same direction" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,324,928 to Muller.

As to claims 1-3, Muller teaches a collapsible portable projection screen comprising: a body (11) including a longitudinal axis; an arm (16, 19) attached to the body and extendable to an extended position; a leg (37) attached to the body and not attached to the arm extendable to an extended position, and operable to support the support in an upright position; and a biasing member (43) linked to the arm and operable simultaneously move the arm and leg and to bias the arm and leg toward a retracted position.

As to claims 4-8, Muller also teaches all the arm and leg being retractable to a retracted position wherein the retracted position includes the arm and leg positioned substantially parallel to a longitudinal axis, and wherein the extended position includes

Art Unit: 3632

the arm positioned substantially perpendicular to the longitudinal axis and the leg positioned at a non-zero angle less than 90 degrees to the longitudinal axis.

As to claims 9-10, Muller also teaches a leg attachment assembly operable to move a plurality of legs, and an arm attachment assembly operable to move a plurality of arms.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 30 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,223,860 to Prest.

Prest teaches a multi-pivotable supporting legs having a body (18) comprising: an arm ring (46) (Figs. 2-3) of an arm attachment assembly (54, 56, 58, 60, 48) and a leg ring (36) (Figs. 2 and 4) of a leg attachment assembly (30, 32, 34, 24, 26, 28) in a same direction to simultaneously extend an arm (54, 56, 58) of the arm attachment assembly and a leg (24, 26, 28) of the leg attachment assembly to an extended position (Fig. 2); a surface (a ground where the legs rest) to which the arm is suspended; and screws (68, 70, 72) for locking the arm ring at a selected position which in turns to lock the arm and leg in the extended or retracted position (Fig. 2, Fig. 1)

Prest teaches structures substantially as claimed as discussed above. The method of use for supporting would have been obvious in view of the structure.

***Allowable Subject Matter***

6. Claims 2-3 and 35 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claims 31-32, 34 and 36 are rejected but would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 12-19 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground of rejection. This rejection is necessitated by the amendment.

Claims 30 and 37 were indicated allowed, however, these claims are now rejected due to a new art found.

***Conclusion***

This action is made **Non-Final**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1,894,695 to Ley

5,75,729 to Stephens

1,450,416 to Freshour et al.

6,050,592 to Kim

Art Unit: 3632

The above patents disclose various types of collapsible stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

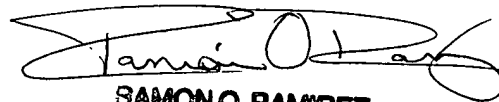
The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
Patent examiner  
April 25, 2005



**RAMON O. RAMIREZ**  
PRIMARY EXAMINER